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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,910

02/28/2002

Tommi Auranen

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07/25/2008

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EXAMINER

TORRES, MARCOS L

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6-27-08 have been fully considered but they are not persuasive.
2. 112 1st rejection is maintained because the original filed specification, as well as original claims, do not provide any support or definition of the computer readable storage media such that one skill in the art would not recognize that the inventor(s) had possession of the claimed invention at the time the application was filed. Therefore, the 112 rejection is proper and maintained.
3. As to applicant argument that Chen discloses a soft handover; Chen discloses doing both combining the transmission (soft handoff) and switching from one transmitter to other transmitter without combining transmissions (hard handoff; please see col. 7, lines 63- 67). As to claim 24, also Malek discloses a hard handoff in col. 6, lines 31-35.
4. Regarding applicant's arguments that Chen is silent with respect to temporal features; the whole purpose of the handover is to permit a mobile user to continue to receive the data. Hard handover are commonly done between bursts [packets] for the simple purpose of maintaining the integrity of the data. One of the ordinary skills in the art would recognize that a handover in the middle of a burst would jeopardize the burst and would wait for the burst to end before attempting the handover. For example, this would be as obvious to one of the ordinary skills in the art as to a pedestrian trying to cross a street; a pedestrian trying to cross a busy street would recognize that crossing the street would

jeopardize his safety and would wait for the crossing signal before attempting the crossing. Therefore, making the handover between the burst would bring the predictable result of a reliable reception of data.

5. Regarding applicant's arguments directed to considering the prior art in its entirety; the examiner reminds the applicant that the grounds of rejection are based on Jonsson in view of Chen and further in view of Malek, and the teachings cited by the examiner of Malek are being brought to the modified system of Jonsson and Chen. Although the reference must be considered in its entirety, the entire system of Malek does not need to be brought to the combination of Jonsson and Chen. Thereby, the teachings of Malek can be properly used in the modified system of Jonsson and Chen.

6. Regarding applicant's arguments that Malek bidirectional TDMA technology is incompatible with the technology of claim1; the mentioned claim does not recite any particular technology or whether is unidirectional or bidirectional [note: broadcasting is not synonymous to unidirectional since there is broadcasting using both, for example Chen]. Therefore, the argument is moot.

7. Regarding applicant's arguments that Jonsson decision are not made at the terminal, the examiner did not relied on Jonsson for that teaching and the task does not have to be duplicated, it is a common and well known that the decision can be made at either place mobile device or system, please see Chen in the final rejection mailed 5-29-08.

8. Regarding applicant's arguments that Jonsson cannot be combined with Chen, because it would change the principle of operation; changing or adding a

Art Unit: 2617

quality measurement rate with another is a design choice within the scope of one of the ordinary skills in the art and would not change the principle of operation, it would still be checking the quality of the communication with the added quality rate.

9. The rest of the arguments they fall for the same reasons as shown above and the response of the final rejection mailed on 5-29-08.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcos L Torres/  
Examiner, Art Unit 2617